

General Assembly

Substitute Bill No. 1010

January Session, 2005

*____SB01010APP___050305____

AN ACT CONCERNING THE INDEMNIFICATION OF MEMBERS OF THE ARMED FORCES OF THE STATE.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

- Section 1. Section 4-165 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):
- (a) No state officer or employee shall be personally liable for damage or injury, not wanton, reckless or malicious, caused in the discharge of his <u>or her</u> duties or within the scope of his <u>or her</u> employment. Any person having a complaint for such damage or injury shall present it as a claim against the state under the provisions of this chapter.
- 9 (b) For the purposes of this section, (1) "scope of employment" [shall 10 include,] includes but is not [be] limited to, (A) representation by an 11 attorney appointed by the Public Defender Services Commission as a 12 public defender, assistant public defender or deputy assistant public 13 defender or an attorney appointed by the court as a special assistant 14 public defender of an indigent accused or of a child on a petition of 15 delinquency, (B) representation by such other attorneys, referred to in 16 section 4-141, of state officers and employees in actions brought 17 against such officers and employees in their official and individual 18 capacities, (C) the discharge of duties as a trustee of the state 19 employees retirement system, (D) the discharge of duties of a

20 commissioner of the Superior Court hearing small claims matters or 21 acting as a fact-finder, arbitrator or magistrate or acting in any other 22 quasi-judicial position, [and] (E) the discharge of duties of a person 23 appointed to a committee established by law for the purpose of 24 rendering services to the Judicial Department, including, but not 25 limited to, the Legal Specialization Screening Committee, the State-26 Wide Grievance Committee, the Client Security Fund Committee, the 27 advisory committee appointed pursuant to section 51-81d and the 28 State Bar Examining Committee, and (F) military duty performed by 29 the armed forces of the state while under state active duty; provided 30 [such] the actions described in subparagraphs (A) to (F), inclusive, of 31 this subdivision arise out of the discharge of the duties or within the 32 scope of employment of such officers or employees, [. For the purposes 33 of this section, members or employees and (2) "state employee" 34 <u>includes a member or employee</u> of the soil and water district boards 35 established pursuant to section 22a-315. [shall be considered state 36 employees.]

This act shall take effect as follows and shall amend the following			
sections:			
Section 1	from passage	4-165	

VA Joint Favorable Subst. C/R JUD

JUD Joint Favorable

APP Joint Favorable

LCO